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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,028	06/18/2001	Kazuo Yoshioka	2257-0188P-SP	8801
2292	7590	08/08/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			LU, SHIRLEY	
PO BOX 747			ART UNIT	
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2612

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/882,028		YOSHIOKA, KAZUO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shirley Lu		2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Response to Arguments

a. Applicant argues on page 7 that Maa does not disclose newly amended limitation 'the first communication signal includes the contents and limitation information.'

Maa discloses the first communication signal including contents and limitation information (video signal, Internet information pointer; fig. 1, el. 10, 12, 14; [4, 19] to [5, 64]; [8, 11] to [9, 45]; fig. 7, 8; [9, 47] to [10, 65]).

b. Applicant argues on page 7 that Maa does not disclose newly amended limitation 'the receiver, or a section thereof, is configured to prevent normal outputting of the contents if release information does not have a matching correlation with the release information.'

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "contents if release information does not have a matching correlation with the release information") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c. Applicant argues on page 8 that Maa does not disclose newly amended limitation 'the receiver is configured to prevent normal viewing of the contents if the predetermined matching correlation is not detected.'

Maa discloses an output section configured to prevent normal outputting of at least one portion of said contents when said predetermined matching correlation is not detected; and to output said contents normally when said predetermined matching correlation is detected ([7, 16] to [8,8]; if a user wants to view encrypted data, he must have a valid key. As the contra positive dictates, if a user does not have a valid key, he cannot view encrypted data; the receiver effectively outputs data accordingly).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1. Claim(s) 1, 7-15 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Maa (5818935).**

As to claim 1, Maa discloses:

a receiving section for receiving a first communication signal through a first communication system, the first communication signal including contents and limitation information (video signal, Internet information pointer; fig. 1, el. 10, 12, 14; [4, 19] to [5, 64]; [8, 11] to [9, 45]; fig. 7, 8; [9, 47] to [10, 65]);

a transmitting and receiving section requesting a transmission of a second communication signal containing release information and receiving said second

communication signal through a second communication system enabling bi-directional communications (Fig. 1, el. 26; [4, 19] to [5, 64]; [7, 16] to [8,8]);

a matching correlation detection section for making a judgment as to whether or not said release information has a predetermined matching correlation with the limitation information (key, information pointers; Fig. 1, el. 16; [7, 16] to [8,8]; fig. 7, 8; [9, 47] to [10, 65]); and

an output section configured to prevent normal outputting of at least one portion of said contents when said predetermined matching correlation is not detected; and to output said contents normally when said predetermined matching correlation is detected ([7, 16] to [8,8]; if a user wants to view encrypted data, he must have a valid key. As the contra positive dictates, if a user does not have a valid key, he cannot view encrypted data);

wherein said first communication signal contains transmission source information for specifying a transmission source in order to obtain said release information that has said predetermined matching correlation with said limitation information corresponding to said contents constituted by said first communication signal, and wherein said receiver receives said second communication signal automatically by obtaining said transmission source information contained in said first communication signal ([4, 19] to [5, 64]; [7, 16] to [8,8]).

As to claim 7, Maa discloses:

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wherein said limitation information is multiplexed with said contents and said transmission source information in said first communication signal ([4, 19] to [5, 64]; [7, 16] to [8,8]; contents are scrambled).

As to claim 8, Maa discloses:

wherein said output section indicates that said communication is being carried out through said second communication system upon request and receipt of said second communication signal ([4, 19] to [5, 64]; [7, 16] to [8, 8]).

As to claim 9, Maa discloses:

wherein said contents include video data ([4, 19-37]).

As to claim 10, Maa discloses:

said contents include music data ([15, 1-2]).

As to claim 11, Maa discloses:

said contents include program data ([15, 13-19]).

As to claim 12, Maa discloses:

A distribution method of release information comprising:

distributing release information has to a receiver, the release information having a predetermined matching correlation with limitation information that is supplied along

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with contents to the receiver through a first communication system (video signal, Internet information pointer; fig. 1, el. 10, 12, 14; [4, 19] to [5, 64]; [8, 11] to [9, 45]; fig. 7, 8; [9, 47] to [10, 65]); fig. 1, el. 26; [7, 16] to [8,8]);

wherein said release information distributed to the receiver through a second communication system enabling bi-directional communications (Fig. 1, el. 26; [4, 19] to [5, 64]; [7, 16] to [8,8]);

wherein a transmission source information for specifying a transmission source of said release information is supplied together with said contents and limitation information to the receiver (video signal, Internet information pointer; fig. 1, el. 10, 12, 14; [4, 19] to [5, 64]; [8, 11] to [9, 45]; fig. 7, 8; [9, 47] to [10, 65]), and

wherein the receiver is configured to prevent normal outputting of the contents until the receiver detects the predetermined matching correlation between the release information and the limitation information output said contents normally when said predetermined matching correlation is detected ([7, 16] to [8,8]; if a user wants to view encrypted data, he must have a valid key. As the contra positive dictates, if a user does not have a valid key, he cannot view encrypted data).

As to claim 13, Maa discloses:

the distribution of said release information is executed in response to a predetermined request

As to claim 14, Maa discloses:

A distribution method of contents, which distributes said contents through a first communication system to a receiver, wherein said contents are supplied together with transmission source information for specifying a transmission source for a second communication system that enables bi-directional communications and with limitation information (video signal, Internet information pointer; fig. 1, el. 10, 12, 14; [4, 19] to [5, 64]; [8, 11] to [9, 45]; fig. 7, 8; [9, 47] to [10, 65]; fig. 1, el. 26; [7, 16] to [8,8]);

and wherein the receiver is configured to prevent normal outputting of said contents until the receiver detects that release information, which is obtained from said transmission source through the second communication system, has a predetermined matching correlation with the limitation information ([7, 16] to [8,8]; if a user wants to view encrypted data, he must have a valid key. As the contra positive dictates, if a user does not have a valid key, he cannot view encrypted data; fig. 1, el. 26; [4, 19] to [5, 64]; [7, 16] to [8,8]; key, information pointers; Fig. 1, el. 16; [7, 16] to [8,8]; fig. 7, 8; [9, 47] to [10, 65]);

As to claim 15, Maa discloses:

said contents are multiplexed with said limitation information and said transmission source information ([4, 19] to [5, 64]; [7, 16] to [8, 8]; content is scrambled).

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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